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In re Application of
Masaya Ogura
Application No. 10/659,300
Filed: September 11, 2003
Attorney Docket No. 03599.000076

OFFICE OF PETITIONS
ON PETITION

This is a decision on the Petition to Withdraw the Holding of Abandonment, filed October 15, 2007 under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on May 29, 2007 for failure to file a timely response to the non-Final Office Action mailed February 26, 2007, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 14, 2007.

Petitioner asserts that a proper response, was filed via facsimile transmission on May 29, 2007. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1631 for appropriate action on the amendment filed May 29, 2007, a copy of which was submitted October 15, 2007 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
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Office of Petitions